

CITY OF NANAIMO

BOARD OF VARIANCE

**MINUTES OF THE MEETING OF THE BOARD OF VARIANCE
HELD ON THURSDAY, 2005-JANUARY-20TH, IN THE BOARD ROOM,
CITY HALL, 455 WALLACE STREET, NANAIMO, BC**

PRESENT: Roger Richer, Chairperson
Joy Cameron
Patricia Portsmouth
Dan Hooper
Jerome Howell

STAFF: Jason Carvalho
David Stewart

1. CALL TO ORDER:

The meeting was called to order at 7:07 p.m.

2. MINUTES

MOVED by Dan Hooper, SECONDED by Jerome Howell, that the minutes of the meeting held 2004-December-16th be adopted as circulated.

CARRIED

3. APPEAL: BOV00225

APPLICANT: Green Trader Enterprises

LOCATION: **Legal Description:** LOT 29, SECTION 15 AND 16,
CRANBERRY DISTRICT, PLAN 77863
Civic Address: 65 Ranchview Drive

PURPOSE: The applicant is requesting that the maximum height of a principal dwelling, as measured from curb level, be increased from 5 metres (16.4 feet) to 7 metres (22.97 feet), in order to construct a single family dwelling. This represents a height variance of 2 metres (6.56 feet).

ZONING REGULATIONS:

This property is included in the Single Family Residential Zone (Large lot) (RS-2) and the appeal seeks to vary the following provisions of the "City of Nanaimo Zoning Bylaw 4000":

*“Section 6.2.7.3 – Height of Buildings
Notwithstanding Subsection 6.2.7.1 and 6.2.7.2, on lots less than 1,666.66 square metres (17,940.36 square feet) the height of a principal dwelling may also be measured from curb level of the highest street abutting the property as outlined in the following table:*

<i>Roof Pitch</i>	<i>Maximum Height</i>
<i>A flat roof (< 4:12)</i>	<i>3 metres (9.84 feet)</i>
<i>A sloped roof (≥ 4:12)*</i>	<i>5 metres (16.4 feet)</i>

**for an area of at least 80% of all roof surfaces measured in plan view”*

DISCUSSION

Mr. Don Saywell (3103 West Road) appeared in support of this appeal.

DECISION

MOVED by Joy Cameron, SECONDED by Patricia Portsmouth, that this appeal be **granted**, subject to a building permit being issued within three months (2005-April-20th).

CARRIED.

- 4. APPEAL:** **BOV00226**
- APPLICANT:** **Gurdial Kaur Janjua**
- LOCATION:** **Legal Description:** LOT 1, SECTION 1, NANAIMO DISTRICT, PLAN VIP63361
Civic Address: **640 Howard Avenue**
- PURPOSE:** The applicant is requesting that the maximum height of a principal dwelling be increased from 8.25 metres (27.06 feet) to 8.32 metres (27.29 feet), for a single family dwelling under construction. This represents a height variance of 0.07 metres (0.23 feet).
- ZONING REGULATIONS:**
This property is included in the Single Family Residential (Large Lot) Zone (RS-2A) and the appeal seeks to vary the following provisions of the “City of Nanaimo Zoning Bylaw 4000”:

“Section 6.2.7.1 – Height of Buildings

The height of a principal building shall not exceed the maximum height shown in the following table:

<i>Roof Pitch</i>	<i>Maximum Height</i>
<i>A flat roof (< than 4:12)</i>	<i>6.71 metres (22 feet)</i>
<i>A sloped roof (≥ 4:12)*</i>	<i>8.25 metres (27.06 feet)</i>

**for an area of at least 80% of all roof surfaces measured in plain view*

DISCUSSION

Mr. Char Janjua (29- 285 Howard Avenue) , Mrs. Gurdial Janjua (29- 285 Howard Avenue), Mr. Baldev Sekhon (861 Inez Place), Ms. Jeet Janjua (29- 285 Howard Avenue) and Ms. Amadra Janjua (29- 285 Howard Avenue) appeared in support of this appeal.

DECISION

MOVED by Patricia Portsmouth, SECONDED by Jerome Howell, that this appeal be **granted**, subject to a building permit being issued within three months (2005-April-20th).

CARRIED.

5. APPEAL: BOV00227

APPLICANT: Felix and Rose Cassidy

LOCATION: Legal Description: THE SOUTH 141.43 FEET OF SECTION 24, RANGE 18, OF SECTION 20, RANGE 4, CRANBERRY DISTRICT, PLAN 1332
Civic Address: 1359 Cranberry Avenue

PURPOSE: The applicant is requesting that the Board of Variance permit a structural addition to a mobile home pad, which is non- conforming as to use, in order to replace a single wide mobile home with a double wide.

ZONING REGULATIONS:

This property is zoned Single Family Residential (RS-1) and the appeal seeks to vary the following provisions of the Local Government Act:

“Section 9.11. - Non-conforming Uses and Siting

(5) A structural alteration or addition, except one that is required by an enactment or permitted by a board of variance under section 901(2), must not be made in or to a building or structure while the non-conforming use is continued in all or any part of it.”

DISCUSSION

Mrs. Rose Cassidy (1359 Cranberry Avenue), Mr. Henz Woltman (5153 Hammond Day Road), Mr. Dave VanMol (29- 1359 Cranberry Avenue) and Ms. Cathy Corbin (1812 Megan Place) appeared in support of this appeal.

DECISION

MOVED by Joy Cameron, SECONDED by Jerome Howell, that this appeal be **granted**, subject to a building permit being issued within three months (2005-April-20th).

CARRIED.

6. **APPEAL:** **BOV00228**

APPLICANT: **James Stuart**

LOCATION: **Legal Description:** LOT A, DISTRICT LOT 54,
WELLINGTON DISTRICT, PLAN 37239
Civic Address: 4931 Fillinger Crescent

PURPOSE: The applicant is requesting that the maximum height of a fence (fence and retaining wall) in the side yard be increased from 2.4 metres (7.87 feet) to 7.57 metres (24.83 feet), in order to construct a retaining wall with a fence on top. This represents a variance of 5.17 metres (16.96 feet).

ZONING REGULATIONS:

This property is included in the Single Family Residential Zone (RS-1) and the appeal seeks to vary the following provisions of "City of Nanaimo Zoning Bylaw 4000":

"Section 4.1- Definitions

"RETAINING WALL"- means a wall erected to hold back water, or support a bank of earth, and which is considered a 'fence' for the purpose of regulating height"

"Section 6.1.9.2. – Height of Fences

The height of a fence shall not exceed 2.4 metres (7.87 ft.) in any side or rear yard".

DISCUSSION

Mr. Peter Haslip (4947 Fillinger Crescent) and Mrs. Bev Haslip (4947 Fillinger Crescent) appeared in support of this appeal

DECISION

MOVED by Dan Hooper, SECONDED by Patricia Portsmouth, that this appeal be **granted**.

CARRIED

7. **ATTENDANCE**

It was determined that all members of the Board will be present for the next meeting to be held 2005-February-17th

8. **ADJOURNMENT**

MOVED by Joy Cameron, SECONDED by Dan Hooper, that the meeting be adjourned at 7:29 p.m.

CARRIED.

Roger Richer
Chairperson, Board of Variance

Jason Carvalho
Secretary, Board of Variance

ec Planning and Development Department
Building Inspection Department
Bylaw Services Department
g/devplan/files/legis/3720/bovminjan2005